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11 October 1991

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Forty-sixth session
SIXTH COMMITTEE
Agenda item 129

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-FOURTH SESSION

Note by the Secretary-General

1. At its thirty-eighth session, the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD) considered the item "Progressive development of the law of international trade: twenty-fourth annual report of the United Nations Commission on International Trade Law" at its 791st plenary meeting, on 25 September 1991.

2. Also at its 791st meeting, the Trade and Development Board of UNCTAD took note of the report of the United Nations Commission on International Trade Law on the work of its twenty-fourth session, 1/ which was before the Board under cover of a note by the UNCTAD secretariat. 2/

Notes

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 17 (A/46/17).

2/ TD/B/1303.

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15 October 1991

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SIXTH COMMITTEE
Agenda item 134

CONSIDERATION OF THE DRAFT ARTICLES ON MOST-FAVOURED-NATION CLAUSES

Draft decision proposed by the Chairman of the Sixth Committee

The General Assembly,

Noting with appreciation the valuable work done by the International Law Commission on the most-favoured-nation clauses, as well as the observations and comments of Member States, of organs of the United Nations, of the specialized agencies and of interested intergovernmental organizations,

Decides to bring the draft articles on most-favoured-nation clauses contained in the report of the International Law Commission (A/33/10) to the attention of Member States and of interested intergovernmental organizations for their consideration in such cases and to such extent as they deem appropriate.

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Agenda item 125

MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES:

(a) REPORT OF THE SECRETARY-GENERAL;

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION

Draft resolution presented by the Chairman of the Sixth Committee

Measures to eliminate international terrorism

The General Assembly,

Recalling its resolutions 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976, 32/147 of 16 December 1977, 34/145 of 17 December 1979, 36/109 of 10 December 1981, 38/130 of 19 December 1983, 40/61 of 9 December 1985, 42/159 of 7 December 1987 and 44/29 of 4 December 1989,

Recalling also the recommendations of the Ad Hoc Committee on International Terrorism contained in its report to the General Assembly at its thirty-fourth session, 1/

1/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 37 (A/34/37), chap. IV.

Recalling further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 2/ the Declaration on the Strengthening of International Security, 3/ the Definition of Aggression 4/ and relevant instruments on international humanitarian law applicable in armed conflict,

Recalling moreover the existing international conventions relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, 5/ the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, 6/ the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971, 7/ the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973, 8/ the International Convention against the Taking of Hostages, adopted in New York on 17 December 1979, 9/ the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, 10/ the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988, 11/, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on

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2/ Resolution 2625 (XXV), annex.

3/ Resolution 2734 (XXV).

4/ Resolution 3314 (XXIX), annex.

5/ United Nations, Treaty Series, vol. 704, No. 10106.

6/ Ibid., vol. 860, No. 12325.

7/ Ibid., vol. 974, No. 14118.

8/ Ibid., vol. 1035, No. 15410.

9/ Resolution 34/146, annex.

10/ International Civil Aviation Organization, document DOC 9518.

11/ International Maritime Organization, document SUA/CONF/15/Rev.1.

the Continental Shelf, done at Rome on 10 March 1988 12/ and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991,

Convinced that a policy of firmness and effective measures should be taken in accordance with international law in order that all acts, methods and practices of international terrorism may be brought to an end,

Taking note of Security Council resolution 638 (1989) of 31 July 1989 on the taking of hostages,

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the territorial integrity and security of States,

Calling attention to the growing connection between terrorist groups and drug traffickers,

Convinced of the importance of the observance by States of their obligations under the relevant international conventions to ensure that appropriate law enforcement measures are taken in connection with the offences addressed in those conventions,

Convinced also of the importance of expanding and improving international cooperation among States, on a bilateral, regional and multilateral basis, which will contribute to the elimination of acts of international terrorism and their underlying causes and to the prevention and elimination of this criminal scourge,

Convinced further that international cooperation in combating and preventing terrorism will contribute to the strengthening of confidence among States, reduce tensions and create a better climate among them,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism,

Mindful also of the necessity of maintaining and protecting the basic rights of, and guarantees for, the individual in accordance with the relevant international human rights instruments and generally accepted international standards,

Reaffirming the principle of self-determination of peoples as enshrined in the Charter of the United Nations,

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12/ International Maritime Organization, document SUA/CONF/16/Rev.2.

Reaffirming also the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination and foreign occupation, and upholding the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Noting the efforts and important achievements of the International Civil Aviation Organization and the International Maritime Organization in promoting the security of international air and sea transport against acts of terrorism,

Recognizing that the effectiveness of the struggle against terrorism could be enhanced by the establishment of a generally agreed definition of international terrorism,

Taking note of the report of the Secretary-General, 13/

1. Once again unequivocally condemns, as criminal and unjustifiable, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize the friendly relations among States and their security;

2. Deeply deplores the loss of human lives which results from such acts of terrorism, as well as the pernicious impact of these acts on relations of cooperation among States;

3. Calls upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in or encouraging activities within their territory directed towards the commission of such acts;

4. Urges all States to fulfil their obligations under international law and take effective and resolute measures for the speedy and final elimination of international terrorism and to that end, in particular:

(a) To prevent the preparation and organization in their respective territories, for commission within or outside their territories, of terrorist and subversive acts directed against other States and their citizens;

(b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts;

(c) To endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis;

13/ A/46/346 and Add.1 and 2.

(d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

(e) To take promptly all steps necessary to implement the existing international conventions on this subject to which they are parties, including the harmonization of their domestic legislation with those conventions;

5. Appeals to all States that have not yet done so to consider becoming party to the international conventions relating to various aspects of international terrorism referred to in the preamble to the present resolution;

6. Urges all States, unilaterally and in cooperation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien domination and foreign occupation, that may give rise to international terrorism and may endanger international peace and security;

7. Firmly calls for the immediate and safe release of all hostages and abducted persons, wherever and by whomever they are being held;

8. Calls upon all States to use their political influence in accordance with the Charter of the United Nations and the principles of international law to secure the safe release of all hostages and abducted persons and to prevent the commission of acts of hostage-taking and abduction;

9. Expresses concern at the growing and dangerous links between terrorist groups, drug traffickers and their paramilitary gangs, which have resorted to all types of violence, thus endangering the constitutional order of States and violating basic human rights;

10. Welcomes the efforts undertaken by the International Civil Aviation Organization aimed at promoting universal acceptance of, and strict compliance with, international air security conventions, and welcomes the recent adoption of the Convention on the Marking of Plastic Explosives for the Purpose of Detection;

11. Requests the other relevant specialized agencies and intergovernmental organizations, in particular the International Maritime Organization, the Universal Postal Union, the World Tourism Organization, the International Atomic Energy Agency and the United Nations Educational, Scientific and Cultural Organization, within their respective spheres of competence, to consider what further measures can usefully be taken to combat and eliminate terrorism;

12. Requests the Secretary-General to continue seeking the views of Member States on international terrorism in all its aspects and on ways and means of combating it, including the convening at an appropriate time, under

the auspices of the United Nations, of an international conference to deal with international terrorism in the light of the proposal referred to in the penultimate preambular paragraph of General Assembly resolution 44/29;

13. Also requests the Secretary-General to seek the views of Member States on the proposals contained in the report of the Secretary-General or made during the debate on this item in the Sixth Committee at the forty-sixth session of the General Assembly, and on the ways and means of enhancing the role of the United Nations and the relevant specialized agencies in combating international terrorism;

14. Further requests the Secretary-General to follow up, as appropriate, the implementation of the present resolution and to submit a report in this respect to the General Assembly at its forty-eighth session;

15. Considers that nothing in the present resolution could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter of the United Nations, of peoples forcibly deprived of that right referred to in the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination, or the right of these peoples to struggle legitimately to this end and to seek and receive support in accordance with the principles of the Charter, the above-mentioned Declaration and the relevant General Assembly resolutions, including the present resolution;

16. Decides to include in the provisional agenda of its forty-eighth session an item entitled "Measures to eliminate international terrorism".